

Entered - 11-10-09 sb
CL 09L0855- GWENDOLYN BURNS

10- R -0095

CLAIM OF: KENNETH TYSON, THROUGH HIS
ATTORNEY,
DAVID R. MOORE, ESQ.
PEACHTREE LAW GROUP, P.A.
125 Flat Creek Trail, Suite 100
Fayetteville, Georgia 30214-4736

For bodily injuries alleged to have been sustained from a
automobile accident on August 8, 2009 at Hartsfield-Jackson
Atlanta International Airport, 8700 Spine Road.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

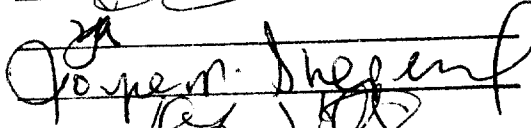
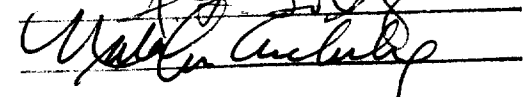
ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE 1/12/10

CHAIR: 

JAN 19 2010

RECEIVED
JAN 19 2010
Franklin D. Johnson
MEMORIAL CLERK

ADVERSED BY
CITY OF ATLANTA
JAN 19 2010

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

David R. Moore, Esquire
Peachtree Law Group, P.A.
125 Flat Creek Trail, Suite 100
Fayetteville, Georgia 30214-4736

10-R-0095

RE: Kenneth Tyson

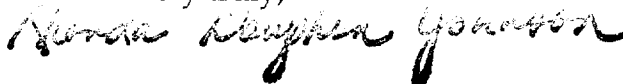
Dear Dear Mr. Moore

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 19, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,



Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0855

Date: November 30, 2009

Claimant /Victim KENNETH TYSON
BY: (Atty) (Ins. Co.) DAVID R. MOORE, ESQ.
Address: 125 Flat Creek Trail, Fayetteville, Georgia 30214-4736
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 10/30/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/8/09 Place: 8700 Spine Road, Hartsfield-Jackson Atlanta International Airport
Department AVIATION Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he was injured when he was struck by the driver of a Delta Airlines vehicle while walking across a parking lot. Claimant further contends that the parking lot was not lighted. However, the claim has forwarded to the City's insurance carrier AIG Aviation for resolution.

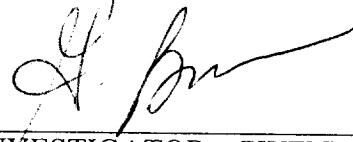
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. X Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: Concur/date 12/21/09
Committee Action: Council Action

David R. Moore*†*
Larry M. Melnick*†✓
David J. Couch*†, CPA
J. Michael Brennan
James C. Brown

Of Counsel:

Kenneth H. Green
Clifford W. Milam

* Fellow, GA Lawyers Foundation
† Bar Association Past President
* Law Education Consortium
✓ Board of Governors, 12 years

OCT 9 2009
LAW OFFICES
Peachtree Law Group, P.A.

MOORE, MELNICK, COUCH, BRENNAN, BROWN, GREEN & MILAM
AN ASSOCIATION INCLUDING PROFESSIONAL CORPORATIONS
125 Flat Creek Trail, Suite 100
Fayetteville, Georgia 30214-4736
Telephone (770) 487-0202 Telecopier (770) 487-0099

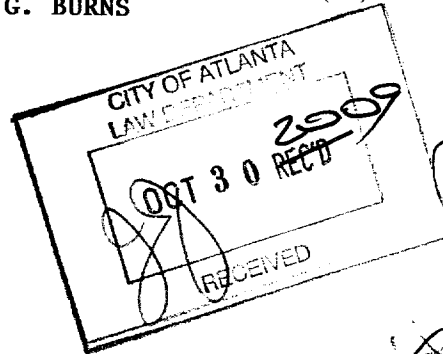
Offices

137 Mill St., Suite F
Jonesboro, GA 30236
(770) 478-8934

1360 Center Drive
Suite 200
Dunwoody, GA 30338
(770) 210-8615

ENTERED - 11-10-09 - SB
09L0855 - G. BURNS

October 26, 2009



CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

Mayor Shirley Franklin
Executive Offices
55 Trinity Avenue
Atlanta, Georgia 30303

Re: ANTE LITEM NOTIFICATION

Pursuant to O.C.G.A. §36-33-5

Our Client: Kenneth Tyson
Location: Hartsfield Jackson Airport
Date of Incident: 8-8-09

Dear Mayor Franklin:

This firm represents Kenneth Tyson regarding injuries he sustained 8-8-09, when he was struck by an automobile while in the Delta parking lot, which is leased from the City of Atlanta. This letter shall constitute ante litem notice pursuant to O.C.G.A. §36-33-5.

FACTS

On August 8, 2009, a Delta employee, Kenneth Tyson, rode the bus from his work area to the Delta parking lot, where his vehicle was parked. He was walking across the parking lot still in company uniform, which has reflective gear on the belt and his badge. Another Delta employee was driving at night in the dark parking lot. This employee hit Mr. Tyson. Upon impact, Mr. Tyson was thrown into the air landing on the hood of the vehicle, screaming with agonizing pain. The driver slammed on brakes, which flung Mr. Tyson off the hood into the air landing on the concrete ground. The force was so hard it knocked Mr. Tyson's lunchbox out of his hand and cell phone out of his buttoned shirt pocket. The parking lot was not lighted.

Mayor Shirley Franklin
October 26, 2009
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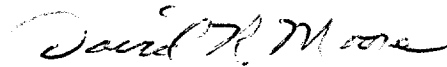
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INJURIES

Immediately following the impact, Mr. Tyson was transported from the scene to the nearest hospital, where he was treated for a serious head trauma, and a broken knee in three places. He sustained injuries to his left arm, left hand, and body abrasions. Our client continues to treat for these injuries, and we can forward those records and bills to you (or the City) when they are received in this office.

Should you have questions, contact me, or one of my legal assistants, Annette or Pam.

Sincerely,


David R. Moore

DRM:ls

cc: Kenneth Tyson

CERTIFIED MAIL RETURN RECEIPT NO. 7008-1140-0004-8556-3675

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I